

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

DEBORAH R. DOUGLAS (NYBN 2099372)
Assistant United States Attorney

1301 Clay Street, Suite 340S
Oakland, California 94612
Telephone: (510) 637-3680
Facsimile: (510) 637-3724
E-Mail: deborah.r.douglas@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR09-00090 DLJ
)	
Plaintiff,)	STIPULATION AND ORDER FOR
)	CONTINUANCE AND EXCLUSION OF
v.)	TIME UNDER THE SPEEDY TRIAL
)	ACT, 18 U.S.C. § 3161 <u>ET SEQ.</u>
HOMA SAMADI and)	
EHSON KHOJAZADA,)	
)	
Defendants.)	

IT IS HEREBY STIPULATED AND REQUESTED, by and between the parties to this action, that the status date for defendants Homa Samadi and Ehson Khojazaada, currently scheduled for Friday, December 18, 2009 at 9 a.m., be continued to Friday, January 29, 2010 at 9 a.m. The reason for the continuance is that defense counsels are continuing with their investigation and pursuing possible disposition of this matter. In addition, this case will be re-assigned from the current government's counsel to Assistant United States Attorney Chinhayi Coleman, the original prosecutor in this case, upon her return to the office on December 21, 2009 after a six-month leave. Should the Court continue the status date to January 29, 2010, it may allow counsel sufficient time to continue with the investigation and for the parties to pursue resolution of this case. The parties stipulate that the time from December 18, 2009 through January 29, 2010 should be excluded under

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1 the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (b)(iv) for adequate
2 preparation and continuity of counsel.

3 For the foregoing reasons, the parties stipulate and agree that the ends of justice served by
4 the continuance requested outweigh the best interests of the public and the defendant in a speedy
5 trial because the failure to grant such a continuance would unreasonably deny the defendant and
6 the government continuity of counsel and adequate time to prepare, taking into account the exercise
7 of due diligence. Under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), the parties
8 therefore stipulate and agree that the time from December 18, 2009 through January 29, 2010
9 should be excluded from the time in which the trial shall commence.

10
11 Dated: 12/16/09

_____/s/_____
DEBORAH R. DOUGLAS
Assistant United States Attorney

12
13 Dated: 12/16/09

_____/s/_____
JOYCE LEAVITT
Attorney for Defendant Homa Samadi

14
15
16 Dated: 12/16/09

_____/s/_____
HUGH ANTHONY LEVINE
Attorney for Defendant Ehson Khojizada

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby finds that the ends of justice served by granting of the requested continuance outweigh the best interests of the public and the defendant in a speedy trial, and that the failure to grant the requested continuance would deny the defendant and the government continuity of counsel and the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

Based on these findings, IT IS HEREBY ORDERED THAT this matter, currently scheduled for December 18, 2009 at 9 a.m., shall be continued to January 29, 2010 at 9 a.m. for status before the Honorable D. Lowell Jensen, United States District Judge, in the federal building in Oakland, California, and that the time from December 18, 2009 through January 29, 2010 shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

Dated: December 17, 2009


HONORABLE D. LOWELL JENSEN
United States District Court Judge